IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 20TH JULY 2006 / 29TH ASHADHA,1928

Bail Appl..No. 4366 of 2006

CMP.357/2006 of J.M.F.C.-II, CHENGANNUR
(CRIME NO.52/2006 OF CHENGANNUR EXCISE RANGE)

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PETITIONER/ACCUSED

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1. MANIKUTTAN, AGED 38 YEARS,
   S/O.CHELLAPPAN, CHAKKALATHUNDYIL VEEDU,
   PULIYOOR, CHENGANNUR.

2. VIKRAMAN, AGED 30 YEARS,
   S/O.CHELLAPPAN, CHAKKALATHUNDIYIL VEEDU,
   PULIYOOR, CHENGANNUR.

BY ADV. SRI.R.VINOD

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 4366/2006

DATED THIS THE 20TH DAY OF JULY, 2006

O R D E R

The petitioners are accused in C.R.No.52/2006 of Chengannur Excise Range, for the offence punishable under Section 8(1) and 8(2) of the Abkari Act, as they were found in illegal possession of 8.700 liters of illicit arrack. The petitioners surrendered before the Judicial Magistrate of First Class-II, Chengannur, on 6.6.2006. They are in judicial custody. Hence this application, under Section 439 Cr.P.C.

2. During the hearing, the learned Public Prosecutor submitted that the first petitioner, first accused, is arrayed as accused in two other earlier cases. He committed this offence, while he was on bail. In such circumstances of this case, because of the operation of Section 41A of the Act, he is not entitled for bail. Hence the prayer is rejected.

3. The second petitioner, second accused, Vikraman, surrendered before the Court below, on

6.6.2006 and the investigation is complete. Considering the facts situation, I grant bail and release the second petitioner, second accused, from jail, subject to the following conditions:-

(a). The second petitioner, second accused, shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class-II, Chengannur.

(b). The second petitioner, second accused, shall report before the Inspector of Excise Range, once in a week, on every Friday, between 10.00 a.m and 11.00 a.m., for a period of three months, starting from 28.7.2006.

The application is partly allowed as above.

J.M.JAMES
JUDGE

mrcs